

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 50

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6519, IDAHO CODE,  
TO PROVIDE THAT A GOVERNING BOARD MAY SET THE PROCEDURE BY WHICH APPLI-  
CATIONS ARE PROCESSED AND RECOMMENDATIONS OR DECISIONS RENDERED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-6519, Idaho Code, be, and the same is hereby  
amended to read as follows:

67-6519. APPLICATION GRANTING PROCESS. (1) As part of ordinances re-  
quired or authorized under this chapter, a procedure shall be established  
for processing in a timely manner applications for zoning changes, subdivi-  
sions, variances, special use permits and such other similar applications  
required or authorized pursuant to this chapter for which a reasonable fee  
may be charged.

(2) ~~Each Applications required or authorized under this chapter for~~  
~~zoning changes and subdivisions shall first be submitted to the zoning or~~  
~~planning and zoning commission for its recommendation or decision. Unless~~  
~~the ordinances establishing the procedure for processing applications pro-~~  
~~vides otherwise, other applications required or authorized pursuant to this~~  
~~chapter shall first be submitted to the zoning or planning and zoning commis-~~  
~~sion for its recommendation or decision. The commission shall have a reason-~~  
able time fixed by the governing board to examine the application before the  
commission makes its decision on the application or makes its recommendation  
to the governing board. Each commission or governing board shall establish  
by rule a time period within which a recommendation or decision must be made.  
Provided however, any application which relates to a public school facility  
shall receive priority consideration and shall be reviewed for approval, de-  
nial or recommendation by the commission or the governing board at the earli-  
est reasonable time, regardless of the timing of its submission relative to  
other applications which are not related to public school facilities.

(3) When considering an application which relates to a public school  
facility, the commission shall specifically review the application for the  
effect it will have on increased vehicular, bicycle and pedestrian volumes  
on adjacent roads and highways. To ensure that the state highway system or  
the local highway system can satisfactorily accommodate the proposed school  
project, the commission shall request the assistance of the Idaho trans-  
portation department if state highways are affected, or the local highway  
district with jurisdiction if the affected roads are not state highways. The  
Idaho transportation department, the appropriate local highway jurisdic-  
tion, or both as determined by the commission, shall review the application  
and shall report to the commission on the following issues as appropri-  
ate: the land use master plan; school bus plan; access safety; pedestrian  
plan; crossing guard plan; barriers between highways and school; location

1 of school zone; need for flashing beacon; need for traffic control sig-  
2 nal; anticipated future improvements; speed on adjacent highways; traffic  
3 volumes on adjacent highways; effect upon the highway's level of service;  
4 need for acceleration or deceleration lanes; internal traffic circula-  
5 tion; anticipated development on surrounding undeveloped parcels; zoning  
6 in the vicinity; access control on adjacent highways; required striping  
7 and signing modifications; funding of highway improvements to accommodate  
8 development; proposed highway projects in the vicinity; and any other issues  
9 as may be considered appropriate to the particular application.

10 (4) Whenever a governing board or zoning or planning and zoning commis-  
11 sion grants or denies an application, it shall specify:

12 (a) The ordinance and standards used in evaluating the application;

13 (b) The reasons for approval or denial; and

14 (c) The actions, if any, that the applicant could take to obtain ap-  
15 proval.

16 Every final decision rendered shall provide or be accompanied by notice  
17 to the applicant regarding the applicant's right to request a regulatory  
18 taking analysis pursuant to section 67-8003, Idaho Code. An applicant de-  
19 nied an application or aggrieved by a final decision concerning matters  
20 identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight  
21 (28) days after all remedies have been exhausted under local ordinance seek  
22 judicial review under the procedures provided by chapter 52, title 67, Idaho  
23 Code.